

IN THE CLAIMS:

Please amend claims 1, 14-16, 18-19 and 21-22 and add claim 23 as follows:

1. (Currently amended) A wireless messaging method for use with recorded digital audio media played in digital audio media players, the method comprising steps of:

providing a promotional, informational or instructional message broadcast to digital audio media players;

then, within a digital audio media player,

receiving promotional, informational or instructional messages as a result of said step of providing,

storing received ~~message~~promotional, informational or instructional messages within the digital audio media player; and

playing a stored ~~message~~promotional, informational or instructional message in response to a playback operation of the digital audio media player.

2. (Original) The method according to claim 1, wherein said playback operation comprises a track end.

3. (Original) The method according to claim 2, wherein a random number of messages are played by said step of playing in response to a playback operation of the digital audio media player.

4. (Original) The method according to claim 1, further comprising a step of converting, after said step of receiving, a received message if the message is in analog format.

5. (Original) The method according to claim 1, wherein said step of storing comprises:

initially storing a received message in short term memory;

checking long-term memory to see if space is available for the received message, then, if space is available for the received message, transferring the received message to long-term memory, else, freeing space in long-term memory and then transferring the received message to long-term memory.

6. (Original) The method according to claim 5, wherein said step of storing frees space in long-term memory by deleting messages beginning with oldest messages until enough space exists for the received message.

7. (Original) The method according to claim 1, wherein said step of playing includes steps of forming a message play plan to determine how many messages should be played from memory in response to a playback operation.

8. (Original) The method according to claim 7, wherein said step of playing includes a step of launching the message play plan.

9. (Original) The method according to claim 8, wherein said step of forming a message play plan comprises:

reading control code data from a digital audio medium in the player;

storing control code data, wherein the control code indicates, at least, break locations between tracks;

executing the message play plan; and

erasing control code data when either the digital audio medium in the player is removed or the player is turned off.

10. (Original) The method according to claim 9, wherein said step of forming a message play plan further comprises:

checking memory to determine a number of messages stored therein;

determining, using the control code data, tracks on the digital audio medium that will have messages played between them; and

determining, based on the number of messages stored in memory and the number of breaks between tracks indicated by control code data, a number of messages to play at each break between tracks.

11. (Original) The method according to claim 10, wherein the step of determining, using the control code data, tracks on the digital audio medium includes randomness.

12. (Original) The method according to claim 10, wherein said step of launching a message play plan comprises:

identifying, using control code data, a next track on the digital audio medium to be played;

using the message play plan to determine if a message is to be played before the next track, then, if no message is to be played, returning to said step of identifying, otherwise, determining the number of messages to be played from the message play plan, and pulling that number of messages from memory and playing the messages pulled from memory prior to the next track.

13. (Original) The method according to claim 1, wherein said playback operation is a track end and said step of playing includes selecting a message from memory based upon a track title.

14. (Currently amended) A wireless messaging promotion method for use with recorded digital audio media played in digital audio media players, the method comprising steps of:

arranging distribution of portable digital audio media players capable of playing digital audio media, receiving ~~message~~promotional, informational or instructional messages from a wireless broadcast, storing received ~~message~~promotional, informational or instructional messages in a digital audio media player, and playing a stored ~~message~~promotional, informational or instructional message in response to a playback operation of the digital audio media player to a target group of people;

providing a ~~message~~promotional, informational or instructional message broadcast to digital audio media players distributed in said step of distributing.

15. (Currently amended) The method according to claim 14, further comprising a step of arranging manufacture, prior to said step of distributing, of digital audio media players to be distributed in said step of distributing.

16. (Currently amended) The method according to claim 15, wherein said step of arranging includes arranging for marking of digital audio players to be distributed with promotion indicia.

17. (Original) The method according to claim 14, wherein the messages promote music and include music samples.

18. (Currently amended) The method according to claim 14, wherein said step of arranging comprises distributing to at least two target groups of people and said step of providing comprises providing a separate broadcast to digital audio players distributed to separate target groups of people.

19. (Currently amended) The method according to claim 18, wherein digital audio media players having different receiving channels are distributed to separate target groups of people and the separate broadcast is achieved by using separate channels.

20. (Original) The method according to claim 18, wherein separate target groups of people are geographically separated and the separate broadcast is achieved by geographic separation between broadcasts.

21. (Currently amended) A wireless message receiving and playing digital audio media player comprising:

a digital audio medium module which plays digital audio media;

a wireless receiver module which receives messagepromotional, informational or instructional messages from a wireless broadcast, stores received messagepromotional, informational or instructional messages, and outputs stored messagepromotional, informational or instructional messages in response to a playback operation;

an audio output which produces audio in response to playing of digital audio media or outputting of messagepromotional, informational or instructional messages from memory;

an interface to interface the audio output to the digital audio medium module and the wireless receiver module.

22. (Currently amended) A messaging method for use with recorded digital audio media played in digital audio media players, the method comprising steps of:

loading, by pre-loading or receiving from a wireless broadcast, messagepromotional, informational or instructional messages into memory of digital audio media players;

then, within a digital audio media player,

storing ~~message~~promotional, informational or instructional messages
received from said step of loading within the digital audio media player; and

playing a stored ~~message~~promotional, informational or instructional
message in response to a playback operation of the digital audio media player.

23. (New) The method according to claim 22, wherein said playback operation is a track end and said step of playing includes selecting a promotional, informational or instructional message from memory based upon a track title.